IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.137 OF 2004.

Shri Nilkantha Vasudeo Bajaj
& ors. : Appellants.

versus

Shri Vilas Laxman Patil & ors. : Respondents.

Mr.S.S.Patwardhan for the appellants.

CORAM : J.H.BHATIA,J.

DATED : 3rd August 2005.

P.C.

1. Heard Mr.S.S.Patwardhan, the learned counsel appearing for the appellants.

2. The appellants were not nominated as trustees of the Shrinath Shikshan Prasarak Mandal, Talegaon Dhamdhere on the ground that they were facing certain criminal charges for

misappropriation of amount of the trust. Being aggrieved by the order of the Deputy Charity Commissioner, the appellants preferred an application under Section 72 of the Bombay Public Trust Act before the Court of District Judge, Pune. That application also came to be dismissed on 8th July 2003 on the ground that they were still facing criminal charges for misappropriation.

3. Today at the time of hearing before admission Mr.Patwardhan for the appellants contended that Appellant No.1 has been acquitted of the charges under Section 419 of the Indian Penal Code. The judgment of acquittal appears to have been passed on 31st March 2005. Naturally, this could not be considered either by the Deputy Charity Commissioner or by the learned Additional District Judge who dismissed the application under Section 72 of the Bombay Public Trust Act. There were valid reasons for rejecting the application of the appellants. Therefore this is not a fit case to admit the appeal for final hearing. In the result, the appeal stands dismissed.

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